

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 56

Introduced by Senator Dunn
(Principal coauthor: Senator Ducheny)
(Principal coauthor: Assembly Member Jones)
(Coauthors: Assembly Members Benoit and Bogh)

January 12, 2005

An act to add ~~Section 69613~~ *Sections 69613 and 69614* to the Government Code, relating to trial courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 56, as amended, Dunn. Trial courts: judgeships.

Existing law specifies the number of judges of the superior court for each county.

This bill would authorize an ~~unspecified number of additional judges for assignment~~ *additional 50 judges of the superior court per year to be appointed by the Governor in the 2005-06, 2006-07, and 2007-08 fiscal years, upon appropriation by the Legislature, to the various counties, as determined by the Judicial Council. The bill would also authorize up to 161 subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, to be converted to judgeships, according to specified criteria and upon appropriation by the Legislature. The bill would define the term "subordinate judicial officer" for purposes of those provisions and would declare the Legislature's intent to restore an appropriate balance between subordinate judicial officers and judges in enacting those provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 69613 is added to the Government~~
2 ~~Code, to read:~~

3 ~~69613. There shall be _____ additional judges of the superior~~
4 ~~court for assignment to the various counties, as determined by the~~
5 ~~Judicial Council.~~

6 *SECTION 1. Section 69613 is added to the Government*
7 *Code, to read:*

8 *69613. (a) Upon appropriation by the Legislature in the*
9 *2005-06 fiscal year, there shall be 50 additional judges of the*
10 *superior court for appointment by the Governor to the various*
11 *county superior courts, as determined by the Judicial Council*
12 *pursuant to uniform criteria for determining the need for*
13 *additional superior court judges.*

14 *(b) Upon appropriation by the Legislature in the 2006-07*
15 *fiscal year, there shall be 50 additional judges of the superior*
16 *court for appointment by the Governor to the various county*
17 *superior courts, as determined by the Judicial Council pursuant*
18 *to uniform criteria for determining the need for additional*
19 *superior court judges.*

20 *(c) Upon appropriation by the Legislature in the 2007-08*
21 *fiscal year, there shall be 50 additional judges of the superior*
22 *court for appointment by the Governor to the various county*
23 *superior courts, as determined by the Judicial Council pursuant*
24 *to uniform criteria for determining the need for additional*
25 *superior court judges.*

26 *SEC. 2. Section 69614 is added to the Government Code, to*
27 *read:*

28 *69614. (a) It is the intent of the Legislature in enacting this*
29 *section to restore an appropriate balance between subordinate*
30 *judicial officers and judges in the trial courts by providing for*
31 *the conversion, as needed, of subordinate judicial officer*
32 *positions to judgeships in courts that assign subordinate judicial*
33 *officers to act as temporary judges. The Legislature finds that*
34 *these positions must be converted to judgeships in order to*
35 *ensure that critical case types, including family, probate, and*
36 *juvenile law matters can be heard by judges.*

37 *(b) (1) Upon appropriation by the Legislature, no more than*
38 *161 subordinate judicial officer positions in eligible superior*

1 courts, as determined by the Judicial Council pursuant to
2 uniform criteria for determining the need for converting existing
3 subordinate judicial officer positions to superior court
4 judgeships, shall be converted to judgeships as set forth in
5 paragraph (2).

6 (2) A subordinate judicial officer position shall be converted
7 to a judicial position when a vacancy occurs in any subordinate
8 judicial officer position in an eligible superior court and the
9 Judicial Council files notice of the vacancy with the Secretary of
10 State.

11 (3) The provisions of Section 12011.5 of the Government Code
12 shall apply to any appointment to a superior court judgeship
13 converted from a subordinate judicial officer position.

14 (c) For purposes of this section, “subordinate judicial officer”
15 means an officer appointed under the authority of Section 22 of
16 Article VI of the California Constitution. This section shall not
17 apply to a subordinate judicial officer established by Section
18 4251 of the Family Code.

19 (d) It is the intent of the Legislature that no subordinate
20 judicial officer shall involuntarily lose his or her position solely
21 due to operation of this section. This section does not change the
22 employment relationship between subordinate judicial officers
23 and the trial courts established by law.

24 (e) This section does not limit the authority of the Governor to
25 appoint a person to fill a vacancy pursuant to subdivision (c) of
26 Section 16 of Article VI of the California Constitution.

27 (f) This section does not entitle a court to an increase in
28 funding.

29 (g) The operation of this section shall neither increase nor
30 decrease the number of judicial and subordinate judicial officer
31 positions and court support positions for which a county is
32 responsible by law.